

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:	)	
	)	
RONALD DOBROWOLSKI and	)	CASE NO. 07-21295 JPK
ROCHELLE DOBROWOLSKI,	)	Chapter 7
	)	
Debtors.	)	

ORDER REGARDING ENTITLEMENT TO DISCHARGE

On August 13, 2007, counsel for the debtors filed a Statement of Death of Debtor, stating that the debtor Ronald Dobrowolski had passed away on June 28, 2007. The record in the case establishes that the bankruptcy estate has been fully administered by the Chapter 7 Trustee, and that Rochelle Dobrowolski has filed a certificate of completion of a course in financial management which entitles her to receive her discharge under 11 U.S.C. § 727. Unfortunately, prior to his death, Ronald Dobrowolski did not file a certificate of completion of the course in financial management.

Fed.R.Bankr.P. 1016 states that the death of a debtor shall not "abate a liquidation case under chapter 7 of the Code", and that in the event of death "the estate shall be administered and the case concluded in the same manner, so far as possible, as though the death . . . had not occurred". This Chapter 7 case has been fully administered by the Trustee, and thus it is to be concluded in the same manner as if death had not occurred. 11 U.S.C. § 727(a)(11) provides that a discharge shall not be granted to an individual who has not completed an instructional course concerning personal financial management, except that this requirement does not apply "with respect to a debtor who is a person described in section 109(h)(4)". This latter statute provides for an exemption from the requirement of completion of the course in personal financial management for "a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone". In the instant case, death would seem to the Court to

be an incapacitating circumstance which brings Ronald Dobrowolski within the provisions of § 109(h)(4). A hearing is not required because the Statement of Death of Debtor was accompanied by a copy of the decedent's death certificate.

Based upon the foregoing, the Court finds that Ronald Dobrowolski is entitled to receive a discharge in this case to the extent he would be entitled to do so had he lived, without complying with the requirement of completing a course in personal financial management.

IT IS ORDERED that the Clerk shall process the discharge of the debtor Ronald Dobrowolski in the manner required by applicable law, without the entry of discharge being precluded by the fact that said debtor has not completed a course in personal financial management as provided for by 11 U.S.C. § 727(a)(11).

Dated at Hammond, Indiana on August 17, 2007.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtors, Attorney for Debtors  
Trustee, US Trustee